



A ban on access to a place of worship constructed in a public space in breach of urban planning regulations was justified

In its decision in the case of [Pantelidou v. Greece](#) (application no. 36267/19) the European Court of Human Rights has unanimously declared the application inadmissible, noting that it was manifestly ill-founded.

The case concerned Ms Pantelidou's not being able to have access to a church that had been opened in a public green space by the congregation of the "True Orthodox Christians" in breach of the urban planning code. The site was earmarked for the construction of the Athens Mosque under that code. The applicant alleged a violation of her right to freedom of religion (Article 9).

The Court pointed out that the public interest of rational urban development could not be superseded by the liturgical needs of a religious community which had arbitrarily encroached on the public sphere in order to establish and operate a place of worship in breach of the relevant urban development plan. Therefore, having regard to the margin of appreciation enjoyed by States in the area of regional and urban planning and development, the Court held that the impugned measure had been justified in principle and been proportionate to the aim pursued (preventing public disorder and protecting the rights and freedoms of others).

The decision is final.

Principal facts

The applicant, Aikaterini-Veatriki Pantelidou, is a Greek national who was born in 1951 and lives in Athens.

In September 2016 the congregation of the "True Orthodox Christians" (adhering to the Julian calendar for religious festivals) appropriated a public green space belonging to the Greek national navy and transformed it into a place of worship.

In November 2016 the police evacuated the premises for the purposes of constructing the Athens Mosque, work on which had just begun. Access to the church attended by Ms Pantelidou was prohibited.

In December 2016 Ms Pantelidou and other adherents of the group brought an action for annulment, but their case was dismissed by the Council of State.

The church was demolished in August 2018.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 4 July 2019.

Ms Pantelidou complained of an infringement of her right as secured under Article 9 (right to freedom of thought, conscience and religion), considering that she had been prevented from acceding to her place of worship.

The decision was given by a Committee of three judges, composed as follows:

Krzysztof **Wojtyczek** (Poland), *President*,
Armen **Harutyunyan** (Armenia),

Pere Pastor Vilanova (Andorra),

and also Renata Degener, Deputy Registrar.

Decision of the Court

Article 9 (right to freedom of thought, conscience and religion)

In its decision the Council of State had pointed out that the “True Orthodox Christians” church was installed and operating in a publicly-owned area, in a building which had been erected by the Greek National Navy, and that those premises had been arbitrarily occupied by persons unknown between June and September 2016. Furthermore, some of the National Navy installations had already been expropriated by the State with a view to building the Athens Mosque, in accordance with the law. Work had already started on the Mosque when the building had been converted into a church by the congregation in question, in breach of the provisions governing the urban planning status of the neighbourhood.

The Court ruled that the public interest of rational urban development could not be superseded by the liturgical needs of a religious community which had arbitrarily encroached on the public sphere in order to establish and operate a place of worship inconsistent with the urban development plan. Consequently, having regard to the margin of appreciation enjoyed by States in the area of urban planning and development, the Court held that the impugned measure had been justified in principle and been proportionate to the aim to be pursued.

The applicant was therefore manifestly ill-founded (Article 35 §§ 3 (a) and Article 4 of the Convention).

The decision is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.